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JUN 15 2004

**FAX COVER SHEET**NO. OF PAGES: COVER SHEET PLUS 19 PAGE(S)

OFFICIAL

TO: Examiner Joanne Silbermann, Art Unit 3611FAX TELEPHONE NO.: 703-872-9306FROM: Charles P. Schmal

DATE: Tuesday, June 15, 2004

**CONFIRMATION OF RECEIPT REQUESTED IF CHECKED.**☐☐

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Re: Response to Office Action for Robert Kay, S/N 09/914,366

Please find enclosed a Response to the Office Action for the above-identified patent application. If you have any questions, please do not hesitate to contact me via telephone at (317) 713-4954.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper for

Serial No. 09/914,366

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Fax Number (703) 872-9306 to Examiner Joanne Silbermann

Art Unit 3611 on June 15, 2004

Cheryl Kalugyer

Typed or Printed Name



Signature

June 15, 2004

Date of Signature

287689

Doc. No. 287687 WEMMh/SB/17 (12/03)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL FOR FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$18.00

## Complete if Known

Application Number 09/914,366

Filing Date August 27, 2001

First Named Inventor Robert Kay

Group Art Unit 3611

Examiner Name Joanne Silbermann

Attorney Docket Number 5600-2

## METHOD OF PAYMENT

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett &amp; Henry LLP

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid  |
|----------------|-----------------|----------------|-----------------|------------------------|-----------|
| 1001           | 770             | 2001           | 385             | Utility Filing Fee     |           |
| 1002           | 340             | 2002           | 170             | Design Filing Fee      |           |
| 1003           | 530             | 2003           | 265             | Plant Filing Fee       |           |
| 1004           | 770             | 2004           | 385             | Reissue Filing Fee     |           |
| 1005           | 160             | 2005           | 80              | Provisional Filing Fee |           |
| SUBTOTAL (1)   |                 |                |                 |                        | (\$) 0.00 |

## 2. EXTRA CLAIM FEES

|                       |    | Extra<br>Claims |   | Fee From Below | Fee Paid |
|-----------------------|----|-----------------|---|----------------|----------|
| Total Claims          | 39 | -38** =         | 1 | X 18.00        | = 18.00  |
| Independent<br>Claims | 3  | -3** =          | 0 | X 86.00        | = 0.00   |
| Multiple Dependent    |    |                 |   |                |          |

| Large Entity Fee Code | Entity Fee (\$) | Small Entity Fee Code | Entity Fee (\$) | Fee Description   |
|-----------------------|-----------------|-----------------------|-----------------|---|
| 1202                  | 18              | 2202                  | 9               | Claims in excess of 20                                    |
| 1201                  | 86              | 2201                  | 43              | Independent claims in excess of 3                         |
| 1203                  | 290             | 2203                  | 145             | Multiple dependent claim, if not paid                     |
| 1204                  | 86              | 2204                  | 43              | **Reissue independent claims over original patent         |
| 1205                  | 18              | 2205                  | 9               | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$18.00

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity Fee Code | Entity Fee (\$) | Small Entity Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------|-----------------------|-----------------|--|----------|
| 1051                  | 130             | 2051                  | 65              | Surcharge - late filing fee or oath  |          |
| 1052                  | 50              | 2052                  | 25              | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                  | 130             | 2053                  | 130             | Non-English specification  |          |
| 1812                  | 2,520           | 2812                  | 2,520           | For filing a request for ex parte reexamination                            |          |
| 1804                  | 920*            | 2804                  | 920*            | Requesting publication of SIR prior to Examiner's Action                   |          |
| 1805                  | 1,840*          | 2805                  | 1,840*          | Requesting publication of SIR after Examiner's Action                      |          |
| 1251                  | 110             | 2251                  | 55              | Extension for reply within first month                                     |          |
| 1252                  | 420             | 2252                  | 210             | Extension for reply within second month                                    |          |
| 1253                  | 950             | 2253                  | 475             | Extension for reply within third month                                     |          |
| 1254                  | 1,480           | 2254                  | 740             | Extension for reply within fourth month                                    |          |
| 1255                  | 2,010           | 2255                  | 1,005           | Extension for reply within fifth month                                     |          |
| 1401                  | 330             | 2401                  | 165             | Notice of Appeal   |          |
| 1402                  | 330             | 2402                  | 165             | Filing a brief in support of an appeal                                     |          |
| 1403                  | 290             | 2403                  | 145             | Request for oral hearing   |          |
| 1451                  | 1,510           | 2451                  | 1,510           | Petition to institute a public use proceeding                              |          |
| 1452                  | 110             | 2452                  | 55              | Petition to revive - unavoidable   |          |
| 1453                  | 1,330           | 2453                  | 665             | Petition to revive - unintentional   |          |
| 1501                  | 1,330           | 2501                  | 665             | Utility issue fee (or reissue)   |          |
| 1502                  | 480             | 2502                  | 240             | Design issue fee   |          |
| 1503                  | 640             | 2503                  | 320             | Plant issue fee  |          |
| 1460                  | 130             | 2460                  | 130             | Petitions to the Commissioner  |          |
| 1807                  | 50              | 2807                  | 50              | Petitions related to provisional applications                              |          |
| 1808                  | 180             | 2808                  | 180             | Submission of Information Disclosure Stmt                                  |          |
| 8021                  | 40              | 2021                  | 40              | Recording each patent assignment per property (times number of properties) |          |
| 1809                  | 770             | 2809                  | 385             | Filing a submission after final rejection (37 CFR 1.129(e))                |          |
| 1810                  | 770             | 2810                  | 385             | For each additional invention to be examined (37 CFR 1.129(d))             |          |
| 1801                  | 770             | 2801                  | 385             | Request for Continued Examination (RCE)                                    |          |
| 1802                  | 900             | 2802                  | 900             | Request for expedited examination of a design application                  |          |

Other Fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$18.00

## SUBMITTED BY

Name (Print/Type) Charles P. Schmal

Registration No. (Attorney/Agent)

45.082

Telephone

(317) 634-3456

Signature

Date

June 15, 2004

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005600-000002.CPS.286933

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Robert Kay

Serial No. 09/914,366

Filed August 27, 2001

NOVELTY ANIMATED DEVICE  
WITH SYNCHRONISED AUDIO  
OUTPUT, AND METHOD FOR  
ACHIEVING SYNCHRONISED  
AUDIO OUPUT THEREIN

)  
) Before the Examiner  
) Joanne Silbermann  
)  
) Group Art Unit 3611  
)  
) June 15, 2004  
)  
) Ref. No. 5600-2  
)  
)  
)  
)

OFFICIAL

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Introductory Comments

In response to the Office Action dated March 15, 2004, please enter the following amendments and remarks in the above-mentioned patent application. The Commissioner is authorized to charge any extensions of time or credit any overcharges to Deposit Account No. 23-3030, but not to include any payment of issue fees.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for  
Serial No. 09/914,366  
is being facsimile transmitted to the Patent and Trademark Office  
Fax Number (703) 872-9306 to Examiner Joanne Silbermann  
Art Unit 3611 on June 15, 2004

Cheryl Kalugyer

Typed or Printed Name

Signature

June 15, 2004

Date of Signature

Response to Office Action  
Serial No. 09/914,366  
Group Art Unit 3611  
Attorney Docket No. 5600-2  
Page 1 of 18